

# United States District Court

EASTERN

DISTRICT OF

NEW YORK

Nov 9 2005

UNITED STATES OF AMERICA

v.

Kenneth Rosario

*Defendant*

## ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT

Case Number:

05 CR 842 (KRM)

Upon motion of the \_\_\_\_\_, it is ORDERED that a  
 detention hearing is set for 11/10/05 \* at 12 PM  
 before Judge Matsumoto

BROOKLYN, NEW YORK

Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) (\_\_\_\_\_)

) and produced for the hearing.

Other Custodial Official

s/Kiyo Matsumoto

Judicial Officer

Date

\*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.